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Federal Communications Commission

FCC 98-330

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Before the  
Federal Communications Commission  
Washington, D.C. 20554

In the Matter of	)	
	)	
Cellular Telecommunications Industry	)	WT Docket No. 98-229
Association's Petition for Forbearance	)	
from Commercial Mobile Radio Services	)	
Number Portability Obligations	)	

### MEMORANDUM OPINION AND ORDER

**Adopted: December 15, 1998**

**Released: December 16, 1998**

By the Commission:

#### I. INTRODUCTION

1. In this Order, pursuant to Section 10(c) of the Communications Act of 1934, as amended (the "Act"),<sup>1</sup> we extend until March 16, 1999, the date on which the petition for forbearance filed by the Cellular Telecommunications Industry Association (CTIA) shall be deemed granted in the absence of a Commission decision that the petition fails to meet the standards for forbearance under Section 10(a) of the Act.<sup>2</sup>

#### II. BACKGROUND

2. On December 16, 1997, CTIA filed a petition requesting that the Commission exercise its Section 10 forbearance authority by forbearing from enforcing the implementation deadline for wireless service provider local number portability (LNP) until the five-year buildout period for broadband PCS carriers has expired.<sup>3</sup> The Wireless Telecommunications Bureau released a Public Notice seeking comment on the Petition.<sup>4</sup> Sixteen parties filed comments and twelve parties filed reply comments.

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<sup>1</sup> 47 U.S.C. § 160(c).

<sup>2</sup> 47 U.S.C. § 160(a).

<sup>3</sup> Petition at 3.

<sup>4</sup> See *Public Notice*, Wireless Telecommunications Bureau, DA 98-111 (rel. Jan. 22, 1998).

### III. DISCUSSION

3. Section 10(c) of the Act states that a petition for forbearance shall be deemed granted if the Commission does not deny the petition for failure to meet the requirements for forbearance under subsection (a) within one year after the Commission receives it, unless the one-year period is extended by the Commission. The Commission may extend the initial one-year period by an additional 90 days if the Commission finds that an extension is necessary to meet the requirements of subsection 10(a). We conclude that a 90 day extension is warranted to allow further development of the record on the potential impact of extending the time for wireless LNP implementation on number exhaust and number conservation issues.

4. On October 21, 1998, the North American Numbering Council (NANC) submitted a report (NANC Report) to the Common Carrier Bureau on possible measures to increase the efficient use and allocation of existing numbering resources.<sup>5</sup> The Common Carrier Bureau has sought public comment on the NANC Report, including specific comment on several number pooling methodologies that may require carriers to develop LNP capability.<sup>6</sup> Comments on the NANC Report are due on December 21, 1998, five days after the one-year deadline for acting on the CTIA petition. In light of the Common Carrier Bureau's separate solicitation of comments, AirTouch has requested that we should, at a minimum, delay a decision on the CTIA petition for 90 days, so that the wireless industry can provide information regarding its use of numbering resources and the relative costs and benefits of the full range of number conservation measures available.<sup>7</sup> We have also received a separate request for a 90 day extension from the Telecommunications Resellers Association (TRA) to provide more time for parties to evaluate an *ex parte* report it has recently submitted proposing an alternative method for implementation of wireless LNP within the existing deadline.<sup>8</sup>

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<sup>5</sup> Number Resource Optimization Working Group Modified Report to the North American Numbering Council on Number Optimization Methods, October 21, 1998 (NANC Report). This report is available at <<http://www.fcc.gov/ccb/Nanc/nanccorr.html>>.

<sup>6</sup> Common Carrier Bureau Seeks Comment on North American Numbering Council Report Concerning Telephone Number Pooling and Other Optimization Measures, *Public Notice*, NSD File No. L-98-134, DA 98-2265 (rel. November 6, 1998). Telephone number pooling technologies permit carriers to obtain access to telephone numbering resources that are within a central office code, but may not be in use. *Id.* at 4.

<sup>7</sup> *Ex parte* letter from Pamela J. Riley, AirTouch Communications, to Magalie Roman Salas, Secretary, Federal Communications Commission, dated December 4, 1998.

<sup>8</sup> *Ex parte* letter from David Gusky, Vice President, TRA, to William E. Kennard, Chairman, Federal Communications Commission, dated December 4, 1998. TRA has proposed an alternative "LRN relay" methodology that it contends would be as effective and less costly than separating the Mobile Identification

5. We believe that before making a decision regarding CTIA's petition, we should have the opportunity to consider the comments filed in response to the NANC Report concerning both LNP-based and non-LNP-based number optimization methods. Additionally, we urge CTIA, wireless carriers, and all other interested parties filing comments to (1) address whether it is appropriate from a legal, policy, or technical standpoint to consider numbering resource optimization concerns in evaluating CTIA's petition; (2) provide information regarding current utilization of numbering resources by wireless carriers (particularly in the 100 largest MSAs), and how such utilization compares to that of other classes of carriers (*e.g.*, ILECs, CLECs); and (3) offer proposals for wireless carriers to promote efficient use of numbering resources before implementing LNP.

#### IV. ORDERING CLAUSE

6. Accordingly, IT IS ORDERED that, pursuant to section 10 of the Communications Act of 1934, as amended, 47 U.S.C. § 160, the date on which the petition for forbearance filed by the Cellular Telecommunications Industry Association shall be deemed granted in the absence of a Commission denial of the petition for failure to meet the statutory standards for forbearance is extended until March 16, 1999.

FEDERAL COMMUNICATIONS COMMISSION



Magalie Roman Salas  
Secretary

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Number (MIN) from the Mobile Directory Number (MDN) in wireless handsets. TRA submitted an *ex parte* report outlining its LRN relay proposal in detail on November 24, 1998. *See ex parte* letter from David Gusky, Vice President, TRA, to William E. Kennard, Chairman, Federal Communications Commission, dated November 24, 1998.